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Attorney for Plaintiff,  
WILLIAM FARRINGTON,

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

WILLIAM FARRINGTON,

Plaintiff,

v.

WORLD JOURNAL, LLC,

Defendant.

Case No. \_\_\_\_\_

**COMPLAINT FOR DAMAGES AND  
INJUNCTIVE RELIEF FROM  
COPYRIGHT INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

Plaintiff William Farrington, for his Complaint against World Journal, LLC,  
Defendant, alleges as follows:

**INTRODUCTION**

1. William Farrington (hereinafter “Plaintiff”), by counsel, brings this action to challenge the actions of World Journal, LLC (hereinafter “Defendant”), with regard to the unlawful use of two (2) copyrighted images (hereinafter “Images”) owned by Plaintiff, and this conduct caused Plaintiff damages. This

Court has subject matter jurisdiction over Plaintiff's claims for copyright infringement pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

2. For the purposes of this Complaint for Damages, unless otherwise indicated, "Defendant" includes all agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogates, representatives and insurers of Defendant(s) named in this caption.

3. This is a civil action seeking damages and injunctive relief for copyright infringement under the Copyright Act of the United States, 17 U.S.C. § 101, whereby the Defendant violated Plaintiff's exclusive rights as copyright owner pursuant to 17 U.S.C. §§ 106 and 106A.

4. This Court has personal jurisdiction over Defendant because Defendant resides in the State of New York, Defendant's acts of infringement complained of herein occurred in the State of New York, and Defendant has caused injury to Plaintiff in his intellectual property within the State of New York.

5. Venue is proper pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to Plaintiff's claim occurred in this judicial district. Alternatively, venue is also proper pursuant to 28 U.S.C. § 1400(b) because the Defendant resides in this judicial district, committed the acts of infringement in this judicial district, and has a regular and established place of business in this judicial district.

## **PARTIES**

6. Plaintiff is a natural person residing in the City of Brooklyn, in the State of New York.

7. Plaintiff is a “copyright owner” who holds “exclusive rights” to his “copyrighted work[s]” pursuant to 17 U.S.C. §§ 101, 106, 106A.

8. Plaintiff is informed and believes, and thereon alleges, that Defendant is an individual residing in the City of Whitestone, in the State of New York, and conducted business within the City of Whitestone, in the State of New York.

9. Plaintiff is informed and believes, and thereon alleges, that Defendant is an individual who unlawfully published Plaintiff’s copyrighted works without Plaintiff’s express or implied authority, by the method of a license.

## **FACTUAL ALLEGATIONS**

10. At all times relevant, Plaintiff was an individual residing within the State of New York.

11. Plaintiff is informed and believes, and thereon alleges, that at all times relevant, Defendant was an LLC residing in the State of New York and in this judicial district.

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12. Plaintiff is a professional photographer by trade. He photographs various individuals, landmarks, vehicles, and other assorted objects, which he then licenses to people and companies seeking to make use of the photographs for advertisements and pecuniary gain. Plaintiff's livelihood is dependent on receiving compensation for the photographs he produces.

13. Plaintiff took the Original Images. *See* Original Images attached hereto as "Exhibit A."

14. Plaintiff has ownership and copyright of the Images.

15. Plaintiff has registered the Images with the United States Copyright Office under Registration Numbers VA 2-006-947 and VA 2-012-151.

16. Plaintiff has provided multiple notices to Defendant that the Images are subject to copyright and to cease use of the Image.

17. Plaintiff did not consent to authorize, permit, allow in any manner the use of the Images by Defendant.

18. Plaintiff is informed and believes that Defendant used Plaintiff's copyrighted works without his permission and that it published, communicated, benefited through, posted, publicized and otherwise held out to the public for commercial benefit, the original and unique work of Plaintiff without Plaintiff's consent or authority, and acquired monetary gain and market benefit as a result.

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19. Plaintiff is informed and believes that Defendant used the Images on its business website from as early as March 31, 2016. *See* Screenshots of Defendant's use attached hereto as "Exhibit B."

20. As of April 13, 2017, Defendant is still actively using one of Plaintiff's Images on its business website located at <http://www.worldjournal.com/3961020> even after being put on notice that the Image is subject to copyright by Plaintiff. *See* Current Screenshots attached hereto as "Exhibit C."

21. As of April 13, 2017, two (2) of Plaintiff's Images are still located and accessible on Defendant's web server located at <http://www.worldjournal.com/>, allowing for further public access and downstream infringement. *Id.*

22. Defendant used the Images to promote the Defendant's business.

23. Plaintiff did not consent to the use of his Images for commercial gain.

### **FIRST CAUSE OF ACTION**

### **COPYRIGHT INFRINGEMENT**

### **Title 17 of the United States Code**

24. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

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25. Plaintiff did not consent to, authorize, permit, or allow in any manner the said use of Plaintiff's unique and original materials and/or work.

26. Plaintiff is informed and believes and thereon alleges that said Defendant infringed upon Plaintiff's copyrighted works in violation of Title 17 of the U.S. Code, in that it published, communicated, benefited through, posted, publicized, and otherwise held out to the public for commercial benefit, the original and unique work of the Plaintiff's consent or authority and acquired monetary gain and market benefit as a result.

27. As a result of each and every Defendant's violations of Title 17 of the U.S. Code, Plaintiff is entitled to actual damages and profits pursuant to 17 U.S.C. §504(b), or statutory damages in an amount up to \$150,000.00 for each infringement pursuant to 17 U.S.C. § 504(c).

28. As a result of the Defendant's violations of Title 17 of the U.S. code, the court in its discretion may allow the recovery of full costs as well as reasonable attorney's fees and costs pursuant to 17 U.S.C § 505 from Defendant.

29. Plaintiff is also entitled to injunctive relief to prevent or restrain infringement of his copyright pursuant to 17 U.S.C. § 502.

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**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays that judgment be entered against Defendant

- Awarding Plaintiff statutory damages in an amount up to \$150,000.00 for each infringement pursuant to 17 U.S.C. § 504(c);
- Awarding Plaintiff costs of litigation and reasonable attorney's fees, pursuant to 17 U.S.C. § 505;
- Enjoining the Defendant from further infringement of all copyrighted works of the Plaintiff pursuant to 17 U.S.C. § 502; and
- Awarding any other relief the Court deems just and proper.

Dated: April 14, 2017

Respectfully submitted,

/s/ Rayminh L. Ngo  
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*Counsel for Plaintiff*

**DEMAND FOR JURY TRIAL**

Plaintiff, William Farrington, hereby demands a trial by jury in the above matter.

Dated: April 14, 2017

Respectfully submitted,

/s/ Rayminh L. Ngo  
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